

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Track Three Cases

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**DECLARATION OF STEVEN N. HERMAN IN SUPPORT OF THE PHARMACY
DEFENDANTS' MOTION TO EXCLUDE CERTAIN OPINIONS
AND TESTIMONY OF DR. KATHERINE KEYES**

EXHIBIT 7

Highly Confidential - Subject to Further Confidentiality Review

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 - - -
5

6 IN RE: NATIONAL : HON. DAN A.
7 PRESCRIPTION OPIATE : POLSTER
8 LITIGATION :
9 :
10 APPLIES TO ALL CASES : NO.
11 : 1:17-MD-2804
12 :
13 :

14 - HIGHLY CONFIDENTIAL -
15

16 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
17

18 - - -
19 April 29, 2019
20 - - -
21

22 Videotaped deposition of
23 KATHERINE KEYES, Ph.D., taken pursuant to
24 notice, was held at the law offices of
Lieff Cabraser, LLP, 250 Hudson Street,
New York, New York beginning at 9:08
a.m., on the above date, before Michelle
L. Gray, a Registered Professional
Reporter, Certified Shorthand Reporter,
Certified Realtime Reporter, and Notary
Public.

25 - - -
26 GOLKOW LITIGATION SERVICES
27 877.370.3377 ph | 917.591.5672 fax
28 deps@golkow.com
29

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1 Q. Fair to say you didn't
2 consider any studies outside of the ones
3 cited in your report, correct?

4 A. I believe you've been
5 provided with all the material that I
6 evaluated to make my opinions.

7 Q. Okay. In considering -- or
8 in writing your report, did you consider
9 whether -- what physicians learn in
10 medical school impacts their prescribing
11 decision with respect to opioids?

12 A. Where physicians were in
13 medical school or what --

14 Q. Did you consider whether
15 what physicians learned in medical school
16 impacted their decisions to write
17 opioids?

18 A. So I do epidemiological
19 literature review and data analysis. It
20 is at a population level. And the
21 population level data indicates that
22 often what physicians were told, they
23 were misinformed about the risks and
24 benefits of opioids.

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1 Q. And were they -- who were
2 they told by?

3 A. The available literature
4 that I have cited in this report points
5 to materials that were received by the
6 manufacturers.

7 Q. Okay. And so in forming
8 your opinion, you didn't consider what
9 physicians learned in medical school, did
10 you?

11 A. People that teach in medical
12 school are also physicians. So they
13 are -- they are not developing their --
14 what they teach de novo.

15 Q. And in forming your opinion,
16 you didn't consider whether formularies
17 or third-party payor guidelines could
18 affect physicians' prescribing decisions,
19 did you?

20 MS. RELKIN: Objection to
21 form.

22 THE WITNESS: Can you give
23 me an example of formularies and
24 third-party payor guidelines?